

On motion of Senator Swift, the rules were further suspended, the joint resolution read third time and passed.

On motion of Senator Dillard, the Senate adjourned until 10 o'clock A. M., to-morrow.

THIRTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, February 16, 1875. }

Senate met pursuant to adjournment. Roll called ; quorum present. Prayer by the chaplain.

On motion of Senator Culberson, the reading of the journal of yesterday was dispensed with.

Senator Swift, Chairman Committee on Claims and Accounts, submitted the following report :

Hon. John Ireland, President of the Senate :

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 66, "An act for the relief of Eli Kirk," have carefully considered the same, and are of the opinion that he, the said Kirk, has long since received full compensation for every article purchased by him to furnish the capitol building, and the said claim has no foundation, either in law or equity. They, therefore, recommend that said bill do not pass. W. H. SWIFT, Chairman.

Senator Friend, Chairman Committee on Roads, Bridges and Ferries, submitted the following reports :

Hon. John Ireland, President of the Senate :

Your Committee on Roads, Bridges and Ferries ask leave to report back to your honorable body, Senate bill No. 563, "An act granting a charter to John L. Miller, to create, keep and run a ferry-boat, at Montopolis Crossing, on the Colorado river, in Travis county," and recommend that it do not pass. W. R. FRIEND, Chairman.

Hon. John Ireland, President of the Senate :

Your Committee on Roads, Bridges and Ferries ask leave to report back to your honorable body, Senate bill No. 673, "An act to authorize Ferdinand Dohme to estab-

lish a ferry-boat across the Colorado river, near the city of Austin, in Travis county," and recommend its passage.

FRIEND, Chairman.

Senator Flanagan, Chairman Committee on Counties and County Boundaries, submitted the following reports :

Hon. John Ireland, President of the Senate :

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 656, "An act to create the county of Franklin," instruct me to report it back to the Senate, and recommend its passage.

FLANAGAN, Chairman.

Hon. John Ireland, President of the Senate :

Your Committee on Counties and County Boundaries, to whom was referred House bill No. 352, "An act to create the county of Gordon," have examined the same, and report it back, recommending its passage.

FLANAGAN, Chairman.

Senator Westfall, Chairman Committee on Education, submitted the following report :

Hon. John Ireland, President of the Senate :

Your Committee on Education, to whom was referred Senate bill No. 676, "An act for the relief of the scholastic census takers, for the years 1871, 1872 and 1873," having carefully considered the same, instruct me to report said bill back to your honorable body, and recommend its passage.

WM. H. WESTFALL, Chairman.

Senator Hobby, for Committee on Internal Improvements, submitted the following reports :

Hon. John Ireland, President of the Senate :

Your Committee on Internal Improvements, to whom was referred House bill No. 615, "An act to incorporate the Henderson and Center Railway Company, and aid in the construction of the same," have considered the same, and instruct me to report it back to the Senate with the following amendment :

Strike out all after the word "Henderson," in section seven, and in the same section and first line, insert the

word "principal" before the word "office," and recommend its passage as thus amended.

EDWIN HOBBY, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Internal Improvements, to whom was referred House bill No. 677, "An act to incorporate the Austin Bridge Company," have had the same under consideration, and instruct me to report it back to the Senate and recommend its passage.

EDWIN HOBBY, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Internal Improvements, to whom was re-committed, with amendments, Senate bill No. 648, "An act to incorporate the Gulf, Austin and Northern Rail Road Company, and to grant lands to aid in the construction thereof," have considered the same, and recommend its passage, as heretofore amended.

EDWIN HOBBY, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Internal Improvements, to whom was referred Senate bill No. 650, "An act to incorporate the Dallas, South Western Narrow Gauge Rail Road Company, and to aid in the construction of said road," have considered the same, and instruct me to report it back to the Senate, with the following amendments:

Insert after the word "purchase," in second line of section ten, the words "for the purpose of constructing said road.

In section twelve, line five, strike out the words "completion of said road," and insert in lieu thereof the words "the issuance of the certificates."

Strike out all of section sixteen; and recommend the passage of the bill as thus amended.

EDWIN HOBBY, for Committee.

Senator Baker, Chairman Finance Committee, submitted the following report :

Hon. John Ireland, President of the Senate :

Your Committee on Finance, to whom was referred Senate bill No. 684, "An act to prescribe compensation of

Financial Agent of the State, or other agent employed by the Governor to sell the bonds of the State," beg leave to report the same back, and recommend that it be passed.

W. R. BAKER, Chairman.

Senator Wood, for Judiciary Committee, submitted the following report :

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 683, "An act regulating evidence in suits concerning land, in certain cases," and recommend its passage.

WOOD, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 686, "An act to amend section 63 of 'an act prescribing the mode of proceeding in matters of probate,'" and recommend its passage.

WOOD, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary ask leave to report back to the Senate, House bill No. 592, "An act concerning proceedings in district courts," and recommend that it do not pass.

WOOD, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 679, "An act to authorize the counties of this State to raise means to pay their present indebtedness," and recommend its passage with the following amendment; *provided*, that this act shall not apply to any county which has heretofore provided for the payment of debts under the act to which this is amendatory.

WOOD, for Committee.

Hon. John Ireland, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 661, "An act to limit the power of taxation of the several cities and towns of this State," and recommend its passage, with the following amendments :

Add to the end of section one the following words;

"*provided*, that this act shall not prevent the levy and collection of taxes for any special purposes heretofore authorized by law, or for the payment of debts now in existence."

Wood, for Committee.

Senator Ball, Chairman Committee on Land Office, submitted the following reports :

Hon. John Ireland, President of the Senate :

Your Committee on Land Office, to whom was referred Senate resolution "Requiring the Committee on Land Office to enquire into the feasibility of making the Land Office self-supporting, and instructing said committee to report by bill or otherwise," have considered the same, and finding that a bill has already been introduced and passed in this body on that subject, deem no further action necessary by your committee.

A. J. BALL, Chairman.

Senator Ball, Chairman Committee on Penitentiary, submitted the follow report :

Hon. John Ireland, President of the Senate :

Your Committee on Penitentiary, to whom was referred Senate bill No. 674, "An act to amend sections three and four of 'an act to authorize the Governor to lease the State penitentiary,'" have examined the same, and instruct me to report said bill back to your honorable body, with the recommendation that it do pass.

A. J. BALL, Chairman.

Senator Stirman, Chairman Committee on State Affairs, submitted the following reports :

Hon. John Ireland, President of the Senate :

Your Committee on State Affairs, to whom was referred Senate bill No. 660. "An act making an appropriation to pay Captain L. H. McNelly's company for seven months service, and the Galveston companies, and the expenditures attending the same while in the service of the State and the civil authorities," having considered the same, instruct me to report it back to your honorable body, and recommend its passage.

W. B. STIRMAN, Chairman.

Hon. John Ireland, President of the Senate :

Your Committee on State Affairs, to whom was referred

Senate bill No. 670, "An act to prohibit the manufacture, sale, or otherwise disposing of spirituous or intoxicating liquors within three miles of Mount Vernon High School, in Titus county," having considered the same, instruct me to report said bill back to your honorable body, and recommend its passage. W. B. STIRMAN, Chairman.

Hon. John Ireland, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 669, "An act to incorporate the Houston, Texas Land Company," having considered the same, instruct me to report said bill back to your honorable body, and owing to the existence of a general incorporation act on our statute books, under which this bill can be incorporated and receive all the powers asked for in the said bill, and recommend that it do not pass.

W. B. STIRMAN, Chairman.

Hon. John Ireland, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 611, "An act to repeal an act entitled 'an act to incorporate the city of Sulphur Springs, in Hopkins county,'" approved March 4, 1873, have considered the same, and instruct me to report it pack to your honorable body, and recommend its passage.

W. B. STIRMAN, Chairman.

A message was received from the House announcing the passage of Senate bill No. 641, "An act to carry into effect section 24 of article 5 of the constitution by defining the offenses of non-feasance, mis-feasance and mal-feasance in office, and providing penalties therefor."

Also Senate bill No. 456, "An act to establish a Criminal Court in and for the cities of Jefferson, in Marion county, Marshall, in Harrison county, Tyler, in Smith county, and Palestine, in Anderson county, and defining the powers thereof."

Also, Senate joint resolution No. 631, "Requesting our Senators and Representatives in Congress to aid in securing the passage of a law for the relief of the heirs of L. R. Wortham, deceased."

Senator Shepard, for Committee on Engrossed Bills, submitted the following report:

Hon. John Ireland, President, pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully ex-

amined and compared Senate bill No. 616, "An act to incorporate the Red River and Rio Grande Railway Company, and to authorize the building of branches thereto, and to grant lands to aid in the construction thereof."

SHEPARD, for Committee.

Senator Joseph introduced a bill, entitled, "An act to legalize and validate fifteen thousand dollars of bonds issued by the city of Galveston to build fire engine houses." Read first time and ordered to lie on table.

Senator Wood introduced a bill, entitled, "An act to escheat forfeited estates of alien heirs, etc." Read first time and referred to Judiciary Committee.

Senator Wood introduced a bill, entitled, "An act requiring the accounts for printing ordered by the Senate and House of Representatives to be presented to the Board of Public Printing, for auditing, before paid." Read first time and referred to the Committee on Public Printing.

Senator Allison introduced a joint resolution, entitled, "Joint resolution proposing amendments to the constitution." Read first time and referred to Committee on Constitutional Amendments.

Senate bill No. 450, "An act to make an appropriation to pay justices of the peace for the assessment of taxes of 1874," was taken up and read second time.

On motion of Senator Erath, the bill was laid upon the table.

Senate joint resolution No. 462, "To authorize the State Treasurer to employ an additional clerk," was taken up, and substitute offered by committee was read and adopted, viz: "An act to authorize the State Treasurer to appoint an additional clerk, and fix his compensation." Read second time and ordered engrossed.

On motion of Senator Westfall, the rules were suspended and bill read third time and passed.

On motion of Senator Wood, the rules were suspended, and Senate bill No. 688, "An act regulating evidence in suits concerning land in certain cases," was taken up and read second time.

Senator Wood offered the following amendment:

Strike out in third and fourth lines, of first section, the words "from and after the passage of this act, that."

In the same section, in twenty-first and twenty-second lines, strike out the words "prior to the date of the pas-

sage of this act," and insert the following words: "prior to the passage of this act, shall be so filed, or within thirty days after the passage of this act."

In the same section, in twenty-seventh line, after the word "recording," insert as follows: "or shall be so recorded within thirty days after the passage of this act, in accordance with now existing laws."

Amend third section, in second line, by inserting after the word "after," the words "thirty days after its passage."

The amendments were adopted. The bill, as amended, was then ordered engrossed.

On motion of Senator Wood, the rules were suspended, bill read third time and passed.

On motion of Senator Westfall, the rules were suspended and House bill No. 677, "An act to incorporate the Austin Bridge Company," was taken up, read second time and passed to third reading.

On motion of Senator Westfall, the rules were further suspended, bill read third time and passed by the following vote:

YEAS—Senators Allison, Baker, Burton, Culberson, Craven, Dillard, Dwyer, Ellis, Flanagan, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Parker, Randle, Russell, Shepard, Westfall and Wood—21.

NAYS—None.

On motion of Senator Joseph, the rules were suspended, and the bill introduced by him this morning, "An act to legalize and validate fifteen thousand dollars of bonds issued by the city of Galveston to build fire engine houses," was taken up, read second time and ordered engrossed.

On motion of Senator Joseph, the rules were suspended, bill read third time and passed.

Senator Russell introduced a bill entitled "An act regulating times of holding district courts in the Fifteenth Judicial District." Read first time.

On motion of Senator Russell, the rules were suspended, bill read second time and ordered engrossed.

On motion of Senator Russell, the rules were further suspended, bill read third time and passed.

On motion of Senator Craven, the rules were suspended, and Senate bill No. 613, "An act for the relief of J. A. Carroll," was taken up, read second time and ordered engrossed.

On motion of Senator Craven, the rules were suspended, bill read third time and passed by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradshaw, Burton, Culberson, Craven, Dillard, Dwyer, Erath, Flanagan, Friend, Hobby, Ireland, Ledbetter, Morris, Parker, Randle, Russell, Shepard, Stirman, Swift, Westfall and Wood—24.

On motion of Senator Shepard, the rules were suspended and Senate bill No. 636, "An act to regulate the powers and duties of county courts, and to prescribe penalties for the violation of this act," was taken up, read second time and ordered engrossed.

On motion of Senator Shepard, the rules were suspended, bill read third time and passed.

Senator Culberson, by leave, introduced a bill entitled "An act to amend the second section of 'an act to reorganize the Seventh, Eighth and Eleventh Judicial Districts of the State of Texas.'" Read first time.

On motion of Senator Russell, the rules were suspended, bill read second time and ordered engrossed.

On motion of Senator Dwyer, the rules were further suspended, bill read third time and passed.

Senator Joseph introduced a bill entitled "An act regulating and providing for the collection of fees by the clerk of the Supreme Court." Read first time and referred to Judiciary Committee.

The hour for the consideration of the special order having arrived, to-wit: Senate bill 535, "An act to regulate the management of railroad companies," it was taken up.

On motion of Senator Ball, it was referred to Committee on Internal Improvements.

The hour for the consideration of the special order having arrived, to-wit: Senate bill No. 518, "An act to provide for the sale of lands heretofore granted to the various counties for educational purposes," it was taken up.

On motion of Senator Wood, the bill was indefinitely postponed.

Senate bill No. 519, "An act for the relief of Charles Philips," was taken up, pending various amendments thereto.

Senator Hobby offered the following amendment :

Amend by adding one certificate each for 1280 acres each to C. S. Holland, Levi Holland, or their assigns. Adopted.

Senator Ellis offered the following amendment: Add one-third of a league to the heirs of Silas Dinsmore, deceased, and one-third of a league to the heirs of A. S. Green, deceased. Adopted.

Senator Friend offered the following amendment:

Amend by adding "all the peaceable and quiet people of DeWitt county shall have one league each."

On motion of Senator Shepard, the amendments and bill were indefinitely postponed.

On motion of Senator Westfall, the rules were suspended and Senate bill No. 623, "An act to incorporate Mount Olivet Cemetery Company," was taken up and read second time, pending amendments recommended by the Committee on State Affairs.

The amendments of the committee were adopted.

On motion of Senator Westfall, the bill was re-referred to Committee on Judiciary.

(Senator Dillard in the chair.)

On motion of Senator Ireland, the rules were suspended, and Senate bill No. 459, "An act to incorporate the Guadalupe Cotton Manufactory," was taken up.

Senator Flanagan offered the following amendment:

Strike out the word "fifteen" before the word "years," and insert the word "five." Adopted.

Senator Hobby offered the following amendment:

Strike out that portion which exempts the company from taxation.

Senator Culberson offered the following as a substitute for the amendment offered by Senator Hobby:

"And all similar incorporations or joint stock incorporations shall be likewise exempted from taxation."

Senator Culberson moved a call of the Senate. Call sustained.

Absent—Senators Ball, Bradshaw, Joseph, Ledbetter, Morris, Shepard and Stirman.

The Sergeant-at-Arms was dispatched for absent Senators.

Senator Randle moved the Senate stand adjourned until 10 o'clock A. M. to-morrow. Lost.

On motion of Senator Hobby, the rules were suspended, and Senate bill No. 610, "An act to incorporate the 'Alexander Institute,' located at Kilgore, Gregg county, and to prohibit the sale of spirituous liquors within two miles of said institution," was taken up and read second time.

Senator Westfall moved to amend by adding after the word "sale" the words "gift or otherwise." Adopted.

The bill, as amended, was then ordered engrossed.

On motion of Senator Culberson, the rules were suspended, bill read third time and passed.

On motion of Senator Flanagan the call of the Senate was suspended.

The question being on the substitute offered by Senator Culberson for the amendment offered by Senator Hobby, it was lost by the following vote:

YEAS—Senators Allison, Bradshaw, Culberson, Ireland, Joseph, Ledbetter, Morris, Russell and Swift—9.

NAYS—Senators Ball, Baker, Dillard, Ellis, Erath, Flanagan, Friend, Hobby, Parker, Shepard, Stirman, Westfall and Wood—13.

The question then recurring on the amendment offered by Senator Hobby, it was lost.

The question then being on the final passage of the bill, it was lost by the following vote:

YEAS—Senators Baker, Ellis, Erath, Flanagan, Friend, Ireland, Joseph, Ledbetter, Randle, Russell, Shepard and Wood—12.

NAYS—Senators Allison, Ball, Bradshaw, Burton, Culberson, Craven, Dillard, Hobby, Morris, Parker, Stirman, Swift and Westfall—13.

Senator Friend, for Committee on Engrossed Bills, submitted the following report:

Hon. John Ireland, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 691, "An act regulating the times of holding the terms of the district court in the Fifteenth Judicial District," and find the same correctly engrossed.

FRIEND, for Committee.

Senator Ireland offered the following resolution:

Resolved, That the Committee on Printing have five hundred copies of the Governor's message printed in the Spanish language, for the use of the Senate.

On motion of Senator Erath, the Senate adjourned until 10 o'clock A. M. to-morrow.